



MADBURY CONSERVATION COMMISSION

13 TOWN HALL ROAD
MADBURY, NEW HAMPSHIRE 03823

January 17, 2019

NHDES Wetlands Bureau
Attn: Mary Ann Tilton
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Dear Wetland Bureau,

The Madbury Conservation Commission has concerns regarding the proposed revisions to the Wetland Rules. We also support the concerns that have been expressed by the NH Association of Conservation Commissions. We take our wetland application review responsibilities seriously, contribute valuable local knowledge, and assist in increasing the efficiency of the permitting process.

- We oppose the permitting of projects with little or no opportunity for input from the conservation commission. A notice of five days from time of submission is unrealistic where, by process, the notice must find its way from the town clerk to the conservation commission for possible discussion under the requirements of the public's right-to-know. Recently, we received a PBN that had clearly been contemplated by the applicant for more than a month. The particular activity is in an area where we know that UNH has been studying birds and rabbit habitat. It would be unrealistic for that notice to receive the possibility of local input within the new proposed timeline.
- The inclusion of commercial access and up to a 3-lot subdivision as a PBN will be detrimental to wetland protection. A credible review by DES in such a short time frame would likely be based on environmental data that is not designed for site-specific use. Excluding the conservation commission will eliminate existing local knowledge and the opportunity for investigation that leads to informed decisions. On more than one occasion the opportunity for an abutter to learn the specifics of a project and offer comment has reduced inquiries that would have impacted DES staff. We often review applications and point out missing information and provide constructive comment, all of which leads to DES staff receiving applications that can be reviewed more efficiently.
- In our area of New Hampshire, high development pressures on more marginal land bring increased need for protection of natural resources, such as clean drinking water. Less and hastened review is the opposite of what is needed for those living in the area.
- The proposed changes appear to weaken the statutory intent for conservation commissions to be a part of the review process. The reduced review opportunity also weakens the bond between the DES and conservation commissions, which will only add to inefficiencies and poor outcomes.

Respectfully,

A handwritten signature in cursive script that reads "Eric Fiegenbaum".

Eric Fiegenbaum, Chair, Madbury Conservation Commission